

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CLERK'S OFFICE

2004 SEP 24 P 12:48

JOHN C. VOTTA JR.)
Plaintiff)

Civil Action No. 04-10135-GAO
U.S. DISTRICT COURT
DISTRICT OF MASS.

v.)

PLAINTIFF'S AFFIDAVIT AND MOTION
FOR EXTENSION OF TIME FOR APPEAL.

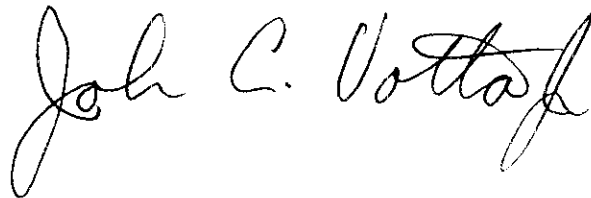
MARTHA COAKLEY)
Defendant)

Plaintiff respectfully moves this Honorable Court to grant an extension of time to file his appeal. As ground, this Court has discretion, under Fed. R. App.P. 4(a)(6), to determine that a party entitled to notice of the entry of judgment or order did not receive such notice within twenty one days of the entry of judgment or order.

Plaintiff further, deposes and says that:

1. On September 23, 2004, plaintiff first learned of this Court's denial of his motion to amend the judgment.
2. On September 23, 2004, plaintiff notified Gina Edge that he did not receive a notice of this Court's denial of his motion to amend judgment.

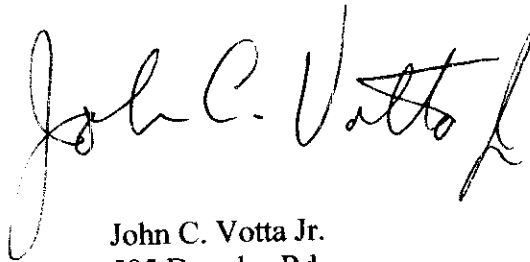
Signed under the penalty and pains of perjury this day September 24, 2004.



Local Rule 7.1(A)(2) Certificate

On September 24, 2004, plaintiff conferred with counsel for the defendant, David M. Lieber, in an attempt to narrow or resolve any issues.

Respectfully submitted,



John C. Votta Jr.
505 Douglas Rd.
Lowell, MA. 01852
978 459-8449

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon David M. Lieber, A.A.G., Criminal Bureau, One Ashburton Place, Boston, MA. 02108, by U.S. mail today.

Date: 9-24-04

Signed:

